McLaaughlin 10/015,798 AU 2878 Ex. Otilia Gabor, March, 2004

Submission of Information Disclosure Statement

In filing the Information Disclosure Statement [IDS] concurrently with the application in 2001, counsel intended to alert the Examiner to Caldwell, 5,662,533, which issued 09/02/97, and which was cited in the patent case. Because of an inadvertent error, said 2001 IDS did not comply with the technical requirement of specifying the issue date. The Examiner has been gently but firmly alerting Counsel to the current practices concerning IDS, which are quite different from the initial purely voluntary IDS options. The Examiner had a proper technical basis for postponing the citation of Chadwell until an acceptable IDS was of record. Counsel is now attempting to provide all of the necessary certifications for fully validating the 2004 IDS.

No foreign applications have been filed. Hence, no data from foreign patent offices are available. This 2004 IDS shows as supplemental art the items discussed in the "prior art" section of the specification, so that such discussion of the prior art is resubmitted as a part of the 2004 IDS. Counsel certifies that the 2004 IDS provides the Examiner with the literature known to Counsel as the most pertinent to the presently sought claims.

The transmittal sheet and Deposit Account Forms authorize the payment of the $180 fee for delayed submission of the IDS, even though an argument might be made that the 2004 IDS is essentially correcting inadvertent errors in the 2001 IDS. Counsel is seeking to adapt to current policies of the USPTO. This 2004 IDS primarily seeks to stimulate the Examiner both to cite Chadwell and to allow claims as patentable over Chadwell in view of Kroll et al for the reasons

clarified at pp 4-7 of this 2004 IDS. Counsel suggests that the items of the supplemental items in the 2004 IDS could be cited, and notes that the claims are patenable thereover for the reasons clarified at pp 8-9 of this 2004 IDS. Such discussion is identical to what was initially a discussion entitled "Prior Art" in the specification. Hence such section could be removed from the specicification herein. Such deletion could be by Examiner's Amendment, or by entry of the "substitute specification [no claims] submitted herewith in another section of the amendment.

As a result of re-drafting, this serves as pages 2 & 3 of IDS

Patentability over Chadwell in view of Kroll et al, etc.

Many independent inventors fail to retrieve their patenting costs, not because of any high fees by the USPTO but partly because some patent lawyers/agents exploit independent inventors almost as ruthlessly as some of the patent marketing firms. The law firm handling the preparation and prosecution of the Chadwell application might have obtained a larger fee because his application included a conglomeration of "science fiction" alternatives that were quite confusing to readers of the patent. That portion of the Chadwell patent not directed to the Claims 1-5 embodiment taught very little beyond the scope of Chadwell Claims 1-5. A very slight glimmer of a possible suggestion, when buried in a an abundance of unworkable confusion does not constitute the kind of teaching that justifies a rejection of claims under either Sec. 102 or 103.

In the 21st century, litigation judges rarely need to evaluate the validity of claims resulting from a patent application prepared and prosecuted by the inventor as a pro se project. However even in the 21st century, litigation judges would probably show greater leniency toward such a "pro-se" patent than one prepared in a corporate patent department. When an application is prosecuted by a prestigious patent firm that possibly might be lengthening a patent application and adding additional sheets of drawings significantly for the purpose of increasing the potentiality of a larger fee, then clarity standards approach those expected from a corporate patent department. The effectiveness of the patent as a teaching is impacted by the confusion and ambiguity aspects of the total patent. When the teaching is so unambiguous as to justify a Sec. 102 rejection, then the conspicuous evidence that it was a hypothetic proposal can be irrelevant. However, the combination of extreme confusion, inconsistencies, and vagueness with such obviously hypothetical concepts of prior literature can

trivialize its usefulness as a reference under either Section 102 or Sec. 103. The concept of the reaction of the average artisan to a workshop having copies of the prior art on the walls of the workshop is a useful guide in evaluating Sec. 103 obviousness. Each of applicant's presently sought claims clearly passes such "references on the wall" test for confirming the unobviousness of such claims over Kroll et al in view of Chadwell and/or Chadwell in view of Kroll et al.

Counsel knows very little about golf. Counsel has a lifetime of playing fewer than 18 holes of golf, even though he was a caddy as a teenager. Counsel was an author of articles about buying a used car in the "Pinchpenny" magazine and book. Counsel's frugality prompted him to gullibly accept some prior art descriptions about aspiring to minimize the cost of lost golf balls. Caldwell and his attorney recognized that golfers had more concern about the "stroke penalties" than about the cost of a lost golf ball. If counsel had located the Chadwell patent in the prior art search, the present specification might have been prepared better than it was.

There is enough confusion in the Chadwell patent that one might suspect that a client who had a Claim 1-5 invention was induced to pay more for a confusing patent application featuring some Tom Swift type of science fiction vagueness that confused most readers without teaching significantly more than the invention of claims 1-5. The Chadwell specification supports such claims 1-5. If Chadwell had been preparing to market the hand-held device, there would have been no reason to describe or claim the cumbersome folding two antenna embodiment of claims 1-5.

Fig 6 of the Chadwell drawings is a schematic diagram of how the hypothetical system would work. Measuring and alerting the searcher to such

distance was stressed by Chadwell, as clarified in Fig 6 in which rectangle 610 features the step entitled "Calculate the estimated distance" for display on the videoscreen.

Chadwell coats a golf ball with metalizing ink, such as an iron ink that can be detected by RADAR so that one of the two antennas can receive a stronger signal than the other, thus helping the searcher to know whether to move the shaft to the left or to the right. As explained at Col. 3, lines 53-54, the "science fiction" emitters 9 of the hand held device "are directed at unique angles" because Chadwell aspires to display on the videoscreen both the angle and the distance from the monitoring device

Fig 3 of Chadwell shows a radar system having two radio antenna designed to alert the searcher about whether the radar antenna should be moved to the left or right. Claims 1-5 are directed to this embodiment. Possibly this is what was developed by Chadwell that prompted the effort to seek a patent on using the radio waves as the "distance-measuring system" for locating the golf ball. During the preparation of the Caldwell application, there might have been some other concepts, all focusing on the distance-measurements, that led to 5 sheets of drawings and 5 columns of description.

Chadwell claims 1-5 are clearly directed to the radar antenna apparatus scheduled to be folded and carried in the golf bag. Chadwell's claim 8 is directed to the use of the soaked rag [shown in Fig. 2A] for coating the ball before each use. Such concepts are certainly remote from molding a grating into the dimples so that they will be selectively responsive to a laser beam of a particular fog-penetrating wave-length.

The general public and counsel have long had familiarity with the use of

RADAR to measure the time for the receipt of an echo from a short wave radio beam. Counsel was long unaware, but has discovered recently that there have been certain military applications in which laser beams have been similarly used for measuring distances and/or the speed of a vehicle. Such systems are sometimes called LASAR. Counsel evaluates the combination of Kroll et al and Chadwell as they might be interpreted by a scientist adequately familiar with LASAR and testifying as an expert attacking the validity of any of the presently sought claims. Counsel has concluded that the two patent litigation judges who handled the two infringement suits in which he was involved in the '50s would uphold the validity ot each of applicant's presently sought claims as unobvious over any plausible combination of Kroll et al and Chadwell. Hopefully the Examiner will prepare appropriate "reasons for allowance" which might explain that each of the allowed claims patentably distinguishes over the combination of Kroll et al and Chadwell, and/or other combinations of the teachings of any or all of the references.

Analysis of Miscellaneous Items in Information Disclosure Statement

2. Prior Art

Horchler 3,782, 730 uses a magnetically actuated switch to turn on or off a radio oscillator at the core of the golf ball, whose radio signal can be monitored by the player whenever the ball is temporarily lost.

Engimeier 5,423,439 employs a rechargeable battery and a system for electromagnetically transmitting energy to the battery charger of a Horchler type of golf ball.

Little 5,626,531 employs a capacitance system which tags such ball whenever activated by the radiation from by the radiation from a Horchler-type of target-seeking monitor.

Kroll et al 5,662,534 also uses a monitor sending out a series of pulses of radio beams, and analyzing the reflected radio waves. In Kroll et al, the golf ball feature a generic reflector of such radio beams.

Valintino 5,132, 622 employs a golf ball having a metal center and the combination of a metal detector and target-seeking scoop to retrieve a lost golf ball.

Digital pulses of infra-red laser beams having a wavelength of 1310 nm are suitable for optical wireless systems over distances of a few kilometers, according to Heatley et al, IWWW Communications magazine, December 1998, pp 72-82.

Although radar systems have been helpful in locating gigantic targets, their effectiveness with items as small as a golf ball have been unsatisfactory. Moreover, a golf ball containing significant mass of transmitter, tagging components, capacitors, etc. has flight characteristics which are dysfunctional

Around the world, the number of golfers, and the number of golf balls manufactured, has continued to climb, thus accentuating the long-standing-need for a system for retrieving a temporarily lost ball. Similar problems occur with croquet balls and other sports paraphernalia. Model airplanes and creatures are sometimes temporarily lost, and are retrievable using the apparatus and method of the present invention.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of

Complete if Known	
Application Number	10/015,798
Filing Date	11/02/01
First Named Inventor	McLAUGHLIN
Art Unit	2878
Examiner Name	OTELIA GABOR
Attorney Docket Number	01-04

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,662,533	09/02/97	CHADWELL	FIG 6-SQ 610
		US- 3,782,730	01/01/74	HORCHLER	FIG 1
		US- 5,423,549	06/13/95	ENGLMEIER	FIG 1
		US- 5,626,531	05/06/97	LITTLE	FIG. 1
		US- 5,910,057	06/08/99	QUIMBY	FIG 4
		US- 5,662,534	09/1-97	KROLL ET AL	
		US- 5,132,622	07/21/92	VALENTINO	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet | | of | |

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
		HEATLEY I WW COMMUNICATIONS DEC 1998 pp 72-82	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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SIGNATURE PAGE

This submission is submitted in accordance with the full disclosure obligations of Rule 56.

Respectfully,

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